

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1001

LYN ALFRED,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A73-537-625)

Submitted: November 8, 2004

Decided: November 19, 2004

Before WILKINSON and WILLIAMS, Circuit Judges, and Norman K. MOON, United States District Judge for the Western District of Virginia, sitting by designation.

Petition denied by unpublished per curiam opinion.

Alex Chanthunya, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Larry P. Cote, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Lyn Alfred, a native and citizen of Nigeria, seeks review of an order of the Board of Immigration Appeals ("Board"). On June 9, 2003, the Board denied Alfred's motion to reopen removal proceedings. Alfred moved the Board to reconsider that order, and on December 3, 2003, the Board denied the motion for reconsideration. Alfred's petition for review is timely only as to the Board's order denying reconsideration. 8 U.S.C. § 1252(b)(1) (2000) (petition for review must be filed within thirty days of final order of removal); see Stone v. INS, 514 U.S. 386, 405-06 (1995) (holding order of removal and denial of motion to reconsider are separate final orders, each subject to relevant time limit for review).

We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion for reconsideration. See 8 C.F.R. § 1003.2(a) (2004). Therefore we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED